

REMARKS

Claims 1-22 are pending in this application. Claims 3-5, 8, 9, 11, 12, 16-19, 21, and 22 stand rejected and claim 7 is objected to. Applicant wishes to thank the Examiner for the indication of allowance of claims 1-2, 6, 10, 13-15, and 20, and the indication of allowable subject matter in claim 7. By this Amendment, claims 3-5, 7-9, 11, 16-19, and 21-22 have been amended. The amendments made to the claims do not alter the scope of these claims, nor have these amendments been made to define over the prior art. Rather, the amendments to the claims have been made for cosmetic reasons to improve the form thereof. In light of the amendments and remarks set forth below, Applicant respectfully submits that each of the pending claims is in immediate condition for allowance.

Paragraph 2 of the Office Action objects to claims 4-5, 7-9, 16, and 17 due to various informalities. Applicant has amended the claims to correct for these informalities. Therefore, Applicant respectfully requests the withdrawal of the objections and allowance of the claims.

Paragraph 3 of the Office Action rejects claims 3-5, 8-9, 11-12, 16-19, 21, and 22 under 35 U.S.C. § 112, second paragraph. The claims have been amended to more clearly point out and distinctly claim the subject matter. As such, Applicant respectfully requests the rejection under 35 U.S.C. § 112 be withdrawn.

Paragraph 6 of the Office Action rejects claims 11 and 21 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,463,048 (“Garyantes”). Applicant respectfully requests reconsideration and withdrawal of this rejection.

To anticipate a claim under 35 U.S.C. § 102, the cited reference must disclose every element of the claim, as arranged in the claim, and in sufficient detail to enable one skilled in the art to make and use the anticipated subject matter. See, PPG Industries, Inc. v. Guardian Industries Corp., 75 F.3d 1558, 1566 (Fed. Cir. 1996); C.R. Bard, Inc. v. M3 Sys., Inc., 157 F.3d 1340, 1349 (Fed. Cir. 1998). A reference that does not expressly disclose all of the elements of a claimed invention cannot anticipate unless all of the undisclosed elements are inherently present in the reference. See, Continental Can Co. USA v. Monsanto Co., 942 F.2d 1264, 1268 (Fed. Cir. 1991).

Among the limitations of independent claim 11 not present in the Garyantes references is a ranking circuit storing a plurality of ranked phases based on said quasi-coherent signals. Likewise, claim 21 recites storing a plurality of ranked phases, said phases ranked based on said quasi-coherent signal.

The Office Action asserts that element 50 shown in Figure 3 of Garyantes is Applicant's ranking circuit. Applicant respectfully disagrees with this interpretation of Garyantes. In Garyantes, reference designator 50 refers to a series of flip-flops which are used to provide different delay states. The more flip-flops present, the more delay states that are available. This delay is not a stored ranking.

In contrast, Applicant explicitly claims a ranking circuit storing a plurality of ranked phases based on said quasi-coherent signal. There is a ranking of the phases, not merely delay as in Garyantes. As such, and as explicitly recited in claim 11, the ranking circuit stores a plurality of ranked phases. This is unlike the phase delay disclosed in Garyantes which provide delay based on the number of flip-flops.

Further, as recited in claim 21, there is no storing of a plurality of ranked phases. In Garyantes, the flip-flops merely select a delay based on the number of flip-flops. As such, Garyantes fails to anticipate claims 11 and 21. Thus, Applicant respectfully requests reconsideration and withdrawal of this rejection.

Applicant has responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

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Respectfully submitted,

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